

## § 103.410

(8) Security resources and capabilities; and

(9) Other areas that may, if damaged, pose a risk to people, infrastructure, or operations within the port.

(c) AMS Assessments are sensitive security information and must be protected in accordance with 49 CFR part 1520.

### § 103.410 Persons involved in the Area Maritime Security (AMS) Assessment.

The persons carrying out the AMS Assessment must have the appropriate skills to evaluate the security of the port in accordance with this part. This includes being able to draw upon expert assistance in relation to:

(a) Knowledge of current security threats and patterns;

(b) Recognition and detection of dangerous substances, and devices;

(c) Recognition, on a non-discriminatory basis, of characteristics and behavioral patterns of persons who are likely to threaten security;

(d) Techniques used to circumvent security measures;

(e) Methods used to cause a transportation security incident;

(f) Effects of dangerous substances and devices on structures and port services;

(g) Port security requirements;

(h) Port business practices;

(i) Contingency planning, emergency preparedness, and response;

(j) Physical security measures;

(k) Radio and telecommunications systems, including computer systems and networks;

(l) Transportation and civil engineering;

(m) Vessel and port operations; and

(n) Knowledge of the impact, including cost impacts of implementing security measures on port operations.

## Subpart E—Area Maritime Security (AMS) Plan

### § 103.500 General.

(a) The Area Maritime Security (AMS) Plan is developed by the COTP, in consultation with the AMS Committee, and is based on an AMS Assessment that meets the provisions of subpart D of this part. The AMS Plan

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must be consistent with the National Maritime Transportation Security Plan and the National Transportation Security Plan.

(b) Portions of the AMS Plan may contain sensitive security information, and those portions must be marked as such and protected in accordance with 49 CFR part 1520.

[USCG–2003–14733, 68 FR 39290, July 1, 2003, as amended at 68 FR 60482, Oct. 22, 2003]

### § 103.505 Elements of the Area Maritime Security (AMS) Plan.

The AMS Plan should address the following elements, as applicable:

(a) Details of both operational and physical measures that are in place in the port at MARSEC Level 1;

(b) Details of the additional security measures that enable the port to progress, without delay, to MARSEC Level 2 and, when necessary, to MARSEC Level 3;

(c) Details of the security incident command-and-response structure;

(d) Details for regular audit of the AMS Plan, and for its amendment in response to experience or changing circumstances;

(e) Measures to prevent the introduction of dangerous substances and devices into designated restricted areas within the port;

(f) Measures to prevent unauthorized access to designated restricted areas within the port (e.g., TWIC);

(g) Procedures and expected timeframes for responding to security threats or breaches of security, including provisions for maintaining infrastructure and operations in the port;

(h) Procedures for responding to any security instructions the Coast Guard announces at MARSEC Level 3;

(i) Procedures for evacuation within the port in case of security threats or breaches of security;

(j) Procedures for periodic plan review, exercise, and updating;

(k) Procedures for reporting transportation security incidents (TSI);

(l) Identification of, and methods to communicate with, Facility Security Officers (FSO), Company Security Officers (CSO), Vessel Security Officers (VSO), public safety officers, emergency response personnel, and crisis

management organization representatives within the port, including 24-hour contact details;

(m) Measures to ensure the security of the information contained in the AMS Plan;

(n) Security measures designed to ensure effective security of infrastructure, special events, vessels, passengers, cargo, and cargo handling equipment at facilities within the port not otherwise covered by a Vessel or Facility Security Plan, approved under part 104, 105, or 106 of this subchapter;

(o) Procedures to be taken when a vessel is at a higher security level than the facility or port it is visiting;

(p) Procedures for responding if a vessel security alert system on board a vessel within or near the port has been activated;

(q) Procedures for communicating appropriate security and threat information to the public;

(r) Procedures for handling reports from the public and maritime industry regarding suspicious activity;

(s) The jurisdiction of Federal, State, Indian Tribal, and local government agencies and law enforcement entities over area security related matters;

(t) Security resources available for incident response and their capabilities;

(u) Procedures for responding to a TSI;

(v) Procedures to facilitate the recovery of the Marine Transportation System after a TSI; and

(w) Identification of any facility otherwise subject to part 105 of this subchapter that the COTP has designated as a public access facility within the area, the security measures that must be implemented at the various MARSEC Levels, and who is responsible for implementing those measures.

[USCG–2003–14733, 68 FR 39290, July 1, 2003, as amended at 68 FR 60482, Oct. 22, 2003; USCG–2006–24196, 72 FR 3579, Jan. 25, 2007]

#### **§ 103.510 Area Maritime Security (AMS) Plan review and approval.**

Each AMS Plan will be submitted to the cognizant District Commander for review and then forwarded to the Area Commander for approval.

#### **§ 103.515 Exercises.**

(a) The COTP shall coordinate with the Area Maritime Security (AMS) Committee to conduct or participate in an exercise at least once each calendar year, with no more than 18 months between exercises, to test the effectiveness of the AMS Plan.

(b) An exercise may consist of any of the following:

(1) A tabletop exercise to validate the AMS Plan. No equipment or personnel deployment is required;

(2) A field training exercise consisting of personnel deployment and use of security equipment; or

(3) A combination of § 103.515(b)(1) and (b)(2).

(c) Upon review by the cognizant District Commander, and approval by the cognizant Area Commander, the requirements of this section may be satisfied by—

(1) Participation of the COTP and appropriate AMS Committee members or other appropriate port stakeholders in an emergency response or crisis management exercise conducted by another governmental agency or private sector entity, provided that the exercise addresses components of the AMS Plan;

(2) An actual increase in MARSEC Level; or

(3) Implementation of enhanced security measures enumerated in the AMS Plan during periods of critical port operations or special marine events.

[USCG–2003–14733, 68 FR 39290, July 1, 2003, as amended at 68 FR 60483, Oct. 22, 2003]

#### **§ 103.520 Recordkeeping.**

(a) All records pertaining to the Area Maritime Security (AMS) Assessment and AMS Plan will be retained by the COTP for 5 years.

(b) Exercise documentation will be kept by the COTP for 2 years.

### **PART 104—MARITIME SECURITY: VESSELS**

#### **Subpart A—General**

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104.100 Definitions.

104.105 Applicability.

104.106 Passenger access area.

104.107 Employee access area.

104.110 Exemptions.